

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LUCIO MENDEZ,

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 6/2/08

Plaintiff,

07 Civ. 11174 (LLS)

v.

ORDER FOR INQUEST

NOOCH, INC., RED DOT COM, INC. d/b/a  
Tangerine Restaurant and Café, and  
SUAN LAY ONG, a.k.a Janice Ong,

Defendants.

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It sufficiently appearing that personal service of the summons and complaint was made on defendants Red Dot Com, Inc. and Nooch, Inc. on March 24, 2008, and neither has answered the complaint, and the time for answering has expired, this case is respectfully referred to Magistrate Judge Ellis to conduct an inquest into the propriety of plaintiff's proposed (a) assessment of the total amount of the claimed attorneys' fees (\$7,940.00) against each of the judgment-debtors without provision to avoid double recovery, and (b) treatment of the \$5,725.00 paid in settlement of plaintiff's claims against Nooch, Inc. for back wages and liquidated damages in the 2006 lawsuit (dismissed with prejudice by Judge Karas on September 15, 2006) as a mere partial payment toward the claims in this

case rather than as barring its reassertion of claims arising during the time period covered by the 2006 suit.

So ordered.

Dated: New York, New York  
May 30, 2008

Louis L. Stanton  
LOUIS L. STANTON  
U.S.D.J.